

is performed by an employee of an employer, and includes any inspection conducted pursuant to a complaint filed under §1903.11 (a) and (c), any re-inspection, followup inspection, accident investigation or other inspection conducted under section 8(a) of the Act.

[36 FR 17850, Sept. 4, 1971, as amended at 38 FR 22624, Aug. 23, 1973. Redesignated at 62 FR 15337, Mar. 31, 1997]

## PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

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AUTHORITY: Secs. 8, 24, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 673), Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033) or 6-96 (62 FR 111), as applicable.

Sections 1904.7, 1904.8 and 1904.17 are also issued under 5 U.S.C. 553.

SOURCE: 36 FR 12612, July 2, 1971, unless otherwise noted.

### § 1904.1 Purpose and scope.

The regulations in this part implement sections 8(c) (1), (2), 8(g)(2), and 24 (a) and (e) of the Occupational Safety and Health Act of 1970. These sections provide for recordkeeping and reporting by employers covered under the act as necessary or appropriate for enforcement of the act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics. The regulations in this part were promulgated with the cooperation of the Secretary of Health, Education, and Welfare.

### § 1904.2 Log and summary of occupational injuries and illnesses.

(a) Each employer shall, except as provided in paragraph (b) of this section, (1) maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment; and (2) enter each recordable injury and illness on the log and summary as early as practicable but no later than 6 working days after receiving information that a recordable injury or illness has occurred. For this purpose form OSHA No. 200 or an equivalent which is as readable and comprehensible to a person not familiar with it shall be used. The log and summary shall be completed in the detail provided in the form and instructions on form OSHA No. 200.

(b) Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of data-processing equipment, or both, under the following circumstances:

(1) There is available at the place where the log is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by paragraph (a) of this section.

(2) At each of the employer's establishments, there is available a copy of the log which reflects separately the

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injury and illness experience of that establishment complete and current to a date within 45 calendar days.

[37 FR 736, Jan. 18, 1972, as amended at 42 FR 65165, Dec. 30, 1977; 47 FR 145, Jan. 5, 1982]

#### § 1904.3 Period covered.

Records shall be established on a calendar year basis.

[42 FR 65165, Dec. 30, 1977]

#### § 1904.4 Supplementary record.

In addition to the log of occupational injuries and illnesses provided for under § 1904.2, each employer shall have available for inspection at each establishment within 6 working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration Form OSHA No. 101. Workmen's compensation, insurance, or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used or the necessary information shall be otherwise maintained.

[37 FR 736, Jan. 18, 1972, as amended at 47 FR 145, Jan. 5, 1982; 62 FR 44552, Aug. 22, 1997]

#### § 1904.5 Annual summary.

(a) Each employer shall post an annual summary of occupational injuries and illnesses for each establishment. This summary shall consist of a copy of the year's totals from the form OSHA No. 200 and the following information from that form: Calendar year covered, company Name establishment name, establishment address, certification signature, title, and date. A form OSHA No. 200 shall be used in presenting the summary. If no injuries or illnesses occurred in the year, zeros must be entered on the totals line, and the form must be posted.

(b) The summary shall be completed by February 1 beginning with calendar year 1979. The summary of 1977 calendar year's occupational injuries and

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illnesses shall be posted on form OSHA No. 102.

(c) Each employer, or the officer or employee of the employer who supervises the preparation of the log and summary of occupational injuries and illnesses, shall certify that the annual summary of occupational injuries and illnesses is true and complete. The certification shall be accomplished by affixing the signature of the employer, or the officer or employer who supervises the preparation of the annual summary of occupational injuries and illnesses, at the bottom of the last page of the log and summary or by appending a separate statement to the log and summary certifying that the summary is true and complete.

(d)(1) Each employer shall post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted under § 1903.2(a)(1) of this chapter. The summary covering the previous calendar year shall be posted no later than February 1, and shall remain in place until March 1. For employees who do not primarily report or work at a single establishment, or who do not report to any fixed establishment on a regular basis, employers shall satisfy this posting requirement by presenting or mailing a copy of the summary during the month of February of the following year to each such employee who receives pay during that month. For multi-establishment employers where operations have closed down in some establishments during the calendar year, it will not be necessary to post summaries for those establishments.

(2) A failure to post a copy of the establishment's annual summary may result in the issuance of citations and assessment of penalties pursuant to sections 9 and 17 of the Act.

[37 FR 736, Jan. 18, 1972, as amended at 42 FR 65165, Dec. 30, 1977; 47 FR 145, Jan. 5, 1982; 62 FR 44552, Aug. 22, 1997]

#### § 1904.6 Retention of records.

Records provided for in §§ 1904.2, 1904.4, and 1904.5 (including form OSHA No. 200 and its predecessor forms OSHA No. 100 and OSHA No. 102) shall be retained in each establishment for 5